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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/786,030

02/28/2001

Robert H. Detig

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12/23/2002

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EXAMINER

LEE, SUSAN SHUK YIN

ART UNIT

PAPER NUMBER

2852

DATE MAILED: 12/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/786,030

Applicant(s)

DETIG, ROBERT H.

Examiner

Susan S. Lee

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-- **Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Group I in Paper No. 5 is acknowledged.

The traversal is on the ground(s) that the position as stated by the Official Action is not supported by the either claims of the present invention or the MPEP. This is not found persuasive because first of all, the Office Action describes the four groups according to the claims as filed in the application. The Applicant's representative incorrectly recited that the Office Action describes Group II, claim 9, is one "electrostatic printing plate". Claim 9 is a process claim. Second, the Office Action describes each group's special technical feature on page 2 of the Office Action. None of the groups share a common special technical feature, thus unity of invention is lacking. This is supported by MPEP 1893.03(d). Applicant's representative has not shown why the Office Action do not support the claims of the present invention. A showing of undue burden is not required by MPEP 1893.03(d), but a lack of unity is shown in the Office Action as required by MPEP 1893.03(d). Nevertheless, the search for one group requires a different search for the other groups. The requirement is still deemed proper and is therefore made FINAL.

Claims 9 and 17-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 5.

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Since there were numerous errors found in the claims and specification, the claims and the specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification and the claims.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: ^{OK} 48, 56 (corona discharge), 114, 134, 136, 138, 140, and 142. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 27, 124 (claim 10, line 17), 126 (claim 10), 128 (claim 10), 130 (claim 11), 111, 343, 341, and 314. ^{not in specification} A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities:

"44", page 6, line 12 and 23 describe two different elements, "liquid" and "wave front";

page 7, line 19, "54" is described as two different elements, "an electrically grounded substrate 54" and a "photopolymer 54"; and

page 17, line 14, "receiving substrate 130" is not shown in Fig. 11 as a substrate, but rather an electronic control means (130), claim 11.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: clear toner diluent (44) in claim 1 and "a first corona unit means (114)", claim 10, are not described in the specification.

Claim Objections

Claims 1-8 and 10-16 are objected to because of the following informalities:

Alphabets to separate the breaks in the claims should be removed. They will be printed as part of the claims in the patent. Appropriate correction is required.

As to claim 6, line 3, "printing plate (11)" is recited as "printing plate (10)" in claim 1, line 3.

As to claim 7, line 2, "excess liquid (46)" is inconsistent with the specification's "film splitting point (46)", page 6, line 21.

As to claim 10, line 7, "ions (110) is inconsistent with the specification's "corona unit 110", page 17, line 1.

As to claim 10, line 17, "124" is recited as "a transfer station (124)" and "a flat receiving glass substrate (124)", lines 18-19.

As to claim 10, line 20, "126" is recited as "means (126) for filling the mechanical gap" and "clear toner diluent (126)", line 21.

As to claim 10, line 23, "said electrostatic plating plate" should be - - said electrostatic printing plate - -.

As to claim 11, line 6, "edges (132)" is inconsistent with the specification's "chuck 132" in page 17, line 14.

As to claim 12, line 1, "the gap (42)" is not in Fig. 11 since claim 10 seems to be reciting elements shown in Fig. 11.

As to claim 13, line 2, "photoreceptor plate (134)" is inconsistent with the specification's "linear drive 134", page 17, line 14.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 and 10-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 1, line 12, "said flat glass plate" lacks antecedent basis.

As to claim 1, line 15, "the mechanical gap" lacks antecedent basis.

As to claim 1, lines 21-22, "said toner particles (48)" has the same character reference number as the "transfer station (48)", line 12. Are they the same element or different elements?

As to claim 3, line 3, "the non-imaged elements" lacks antecedent basis.

As to claim 4, line 1, "said discharge areas" lacks antecedent basis.

As to claim 5, line 2, "the liquid toner (50)" lacks antecedent basis. It is recited as toner particles (50), line 10 of claim 1.

As to claim 7, line 1, "said receiving glass plate (26)" lacks antecedent basis.

As to claim 10, line 11, "said uncharged areas" lack antecedent basis.

As to claim 10, line 22, "said glass plate" lacks antecedent basis.

As to claim 11, line 5, "the glass (124)" and lines 5-6, "the glass plate (124)" lack antecedent basis. Are these the same element or different ones?

Regarding claim 13, line 4, the word "means" is preceded by the word(s) "optical" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

As to claim 14, line 2, "glass plate (200) is inconsistent with "glass substrate (124)" of claim 10, lines 18-19.

As to claim 14, line 2, "the toner image (203)" is inconsistent with "a glass particle toner (203)" in line 1 of the same claim.

As to claim 15, line 2, "glass panel (200)" is inconsistent with "glass plate (200)" in line 2 of claim 14. Although claim 15 does not depend on claim 14, the elements have the same character numbers. Are they the same or different elements?

As to claim 16, line 3, "glass panel (200)" is inconsistent with "glass plate (200)" in line 2 of claim 14. Although claim 16 does not depend on claim 14, the elements have the same character numbers. Are they the same or different elements?

As to claim 16, line 3, "electrode lines (204)" is inconsistent with "electrode structure (204)" in claim 15. Although claim 16 does not depend on claim 15, the elements have the same character numbers. Are they the same or different elements?

As to claim 16, line 3, "said ribs" lack antecedent basis.

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Allowable Subject Matter


Claims 1-8 and 10-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tanaka discloses an electrographic plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan S. Lee whose telephone number is 703-308-2138. The examiner can normally be reached on Mon. - Fri., 10:30-8:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Art Grimley can be reached on 703-308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3432 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Susan S. Lee
Primary Examiner
Art Unit 2852

sl
December 18, 2002